IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 30037 of 2006(A)

PETITIONER:

S.SADANANDAN,
BABU MANDIRAM, ULACODU, VAKKANADU P.O.,
KAIREEPRA VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
KOLLAM.

2. THE DEPUTY TAHSILDAR (R.R.),
KOTTARAKKARA.

3. THE VILLAGE OFFICER,
KAREEPRA.

4. THE DEPUTY LABOUR COMMISSIONER,
KOLLAM. (COMMISSIONER FOR WORKMEN'S COMPENSATION).

5. LELITHA,
LEJU BHAVANAM, VATTETHUKALA,
KUDAVATTOOR P.O., ODANAVATTOM,
KOLLAM DISTRICT.

6. LEJU, (MINOR),
-DO- -DO-

7. LAIJU, (MINOR),
-DO- -DO-

8. NARAYANI,
-DO- -DO-
THE RESPONDENTS 6 & 7 ARE MINORS AND THEY ARE REP. BY THE 5TH RESPONDENT, WHO IS THEIR MOTHER AND GUARDIAN).

R1 TO 4 BY G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON 16/01/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE APPLICATION DT.30.4.99 FILED BY RESPONDENTS 5 TO 8 BEFORE THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

P2: TRUE COPY OF JUDGMENT DT.22.7.2002 IN WCC NO.21/2000 PASSED BY THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

P3: TRUE COPY OF R.R. NOTICE DT.17.12.2005 ISSUED BY R2.

P4: TRUE COPY OF ELECTORAL CARD DT.11.5.2002 ISSUED TO PETITIONER BY THE ELECTION COMMISSION OF INDIA.

P5: TRUE COPY OF THE APPLICATION DT.9.11.2006 FILED BY THE PETITIONER BEFORE THE COMMISSIONER FOR WORKMEN'S COMPENSATION.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.30037 of 2006

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Dated this the 16th day of January, 2007.

JUDGMENT

It is seen from Ext.P1 that award is passed by the Commissioner for Workmen's Compensation against one Anandan. The petitioner not being the defaulter obviously cannot be proceeded against. In the circumstances, W.P. is allowed with direction to respondents 2 to 4 to identify the defaulter and proceed for recovery against him.

C.N.RAMACHANDRAN NAIR
Judge

pms